

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: A.J. NEJEZCHLEB et al.

Continued Prosecution Application  
Serial No.: 09/085,669

Examiner: J. Crepeau

Filed: May 27, 1998

Group Art Unit: 1745

U.S. Patent No. 6,309,610

Issued: October 30, 2001

Title: NON-THERMAL PLASMA APPARATUS  
UTILIZING DIELECTRICALLY-COATED  
ELECTRODES FOR TREATING EFFLUENT GAS

FAX RECEIVED

SEP 25 2002

**AFFIDAVIT OF GEORGE MARCOU**

PETITIONS OFFICE

I, George T. Marcou, partner and registered patent attorney in the Washington, D.C. office of Kilpatrick Stockton LLP, declare that the following information is true and correct to the best of my knowledge and I am over twenty-one (21) years of age and competent to give the statements herein.

1. I have been a registered patent attorney since June, 1988 and have been a partner and patent attorney in the Washington, D.C. office of Kilpatrick Stockton LLP since April, 1996.

2. In connection with the recent discovery of anthrax spores in mail routed through the U.S. Postal Service's Brentwood Sorting Station in Washington, D.C., mail service from the U.S. Patent and Trademark Office to the Washington, D.C. office of Kilpatrick Stockton LLP (which is routed through the Brentwood Sorting Station) has been significantly disrupted.

3. On October 25, 2001, in a notice published at the U.S. Patent & Trademark website, the U.S. Patent & Trademark Office acknowledged that "non-trademark communications mailed from the United States Patent and Trademark Office (USPTO) . . . were routed through the U.S. Postal Service's Brentwood Sorting Station in Washington, D.C., where workers are diagnosed as having contracted anthrax" and that "[t]he Brentwood Station is now closed, and USPTO mailings, both incoming and outgoing, are currently being routed through another station."

4. Papers received from the U.S. Patent & Trademark Office regarding an application are placed in the docketing calendar of the Washington, D.C. office of Kilpatrick Stockton LLP for that application and serve as docketing events used to consider taking various actions with regard to that application.

5. More specifically, an Issue Notification in an application is placed in the docketing calendar of the Washington, D.C. office of Kilpatrick Stockton LLP for that application and is a docketing event that is used to consider taking actions, such as the filing of a continuation application, among others.

6. Regarding U.S. Patent Application Serial No. 09/085,669, as of today, November 15, 2001 Kilpatrick Stockton LLP has not received an Issue Notification providing notice of the issuance of U.S. Patent No. 6,309,610, due, I believe, to the anthrax-related events and the closing of the Brentwood Sorting Station.

7. I have come to learn that U.S. Patent No. 6,309,610 issued on October 30, 2001, although Kilpatrick Stockton LLP never received notice of the approaching issuance and, thus, never docketed the issue date.

8. Because the Issue Notification with regard to U.S. Patent Application Serial No. 09/085,669 was not received prior to issuance of the related patent and never docketed, a continuation application was not timely filed.

9. I declare under penalty of perjury under the laws of the United States that the foregoing information is true and correct.

Date

11/15/01

  
George T. Marcou